



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044

7590 07/15/2003

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 CONNECTICUT AVENUE, N.W.,  
SUITE 600  
Washington, DC 20036

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 07/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,550

Applicant(s)

NAKANO ET AL.

Examiner

Chongshan Chen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This action is responsive to communications: Amendment A, filed on 5/5/03. This action is made final. Claims 1, 3-4 and 6 are cancelled. Claims 2, 5 and 7-10 are pending.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takaya et al. ("Takaya", JP 2,956,587) in view of Cupps et al. ("Cupps", 5,991,739).

As per claim 7, Takaya discloses a service providing area retrieval system comprising:  
a retrieval site and a map database site respectively connected to a computer network  
(Takaya, Fig. 1, Fig. 2, element 15, 18, map file and map information),  
said retrieval site comprising:  
a retrieval server (Takaya, Fig. 1),  
a retrieval database storing data on genres of handled merchandises and service providing  
areas of registered shops (Takaya, Fig. 2, Store information – Type of industry, Map file), and

Art Unit: 2172

a registered shop database storing service request data of each shop registered for the retrieval database (Takaya, Fig. 2, Store information),

said map database site comprising:

a map server (Takaya, Fig. 2), and

a map information database storing map image data (Takaya, Fig. 2),

wherein said retrieval server of said retrieval site retrieves shops capable of providing a service from said retrieval database in correspondence with an entry of a desired merchandise genre and a destination from an information terminal having connected to said retrieval site, and displays a map image on which the destination and shops capable of providing the service are indicated, and after a shop is selected based on the map image, retrieves the service request data of the selected shop from said registered shop database, and displays the service request data on the information terminal (Takaya, Fig. 1-2, Fig. 6, To find shops on the map ... Fig. 10 – 25).

Takaya doesn't explicitly disclose sends the requested service contents to the selected shop. Cupps discloses sends the requested service contents to the selected shop (Cupps, Fig. 1, 106, Online Ordering Machine, Fig. 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cupps with Takaya in order to allow customer order online.

As per claim 8, Takaya and Cupps teach all the claimed subject matters as discussed in claim 7, and further disclose an entry of the destination of the provided service on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site

Art Unit: 2172

(Takaya, Fig. 10, Let's search from the map, ... Fig. 11, Please click the area you wish to go shopping now, Fig. 12-25).

As per claim 2, Takaya and Cupps teach all the claimed subject matters as discussed in claim 7, and further disclose a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information (Cupps, col. 5, lines 3-4).

Claim 5 is rejected on grounds corresponding to the reasons given above for claim 2.

Claims 9-10 are rejected on grounds corresponding to the reasons given above for claims 7-8.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2172

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

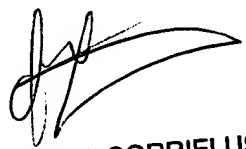
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319.

The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CC  
July 10, 2003

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER